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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,301	01/19/2001	Shinichiro Nishizawa	1086.1132/JDH	6749
21171	7590	03/26/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN BA, PAUL H	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 03/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,301	NISHIZAWA, SHINICHIRO	
	<b>Examiner</b> Paul Nguyen-Ba	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 November 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-23 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3, 4.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This action is responsive to Information Disclosure Statement file on November 7, 2001.
2. Claims 1-23 have been considered. Claims 1, 12, and 23 are independent claims.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 12-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims read on a mental process that can be carried out using a pencil and a paper. Claims 12-23 need to be directed towards a “computer-implemented” method.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4 and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Regarding claims 4 and 15, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-10, 12-21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Levinson, U.S. Patent No. 6,047,260.

**Independent Claims 1, 12, 23**

Levinson discloses a schedule managing *apparatus, method, and computer-readable recording medium* for managing schedules (see Abstract), comprising the steps of:

*classifying an inputted schedule into any type on the basis of its information* (col. 6, lines 35-50; col. 10, lines 12-39; col. 16, lines 1-43), and  
*adjusting the schedules on the basis of each schedule type in the case where said inputted schedule overlaps with an existing schedule with respect to the time* (col. 4, lines 34-37; cols. 17-19).

### **Claims 2, 13**

Levinson further discloses a schedule managing *apparatus and method*, wherein the inputted schedule is classified into any type of a *term type schedule* (i.e. floating task → col. 10, lines 12-39) in which designated date/time is set to a term of an operation (earliest start time/latest stop time) or a *period type schedule* (i.e. fixed task → col. 16, lines 1-43) in which a designated certain period is assured for the operation (planned start/stop time) (col. 6, lines 35-50).

### **Claims 3, 14**

Levinson further discloses a schedule managing *apparatus and method*, wherein the inputted schedule is classified into any type of said term type schedule or said period type schedule on the basis of *items regarding date/time, place, and contents* included in the inputted new schedule or the like (col. 14, line 51 to col. 15, line 23; see also Figures 11-14 → i.e. date, time, duration, where, etc.).

### **Claims 4, 15**

Levinson discloses a schedule managing *apparatus and method*, wherein the inputted schedule is classified into any type of said term type schedule or said period type schedule on the basis of schedule information including an item regarding date/time, an item regarding a place,

an item regarding *persons concerned*, an item regarding the contents, an item regarding priority, and an item such as a schedule adjustment (or the like) regarding a system which are inputted to a ToDo list (col. 3, lines 64 *et seq.*; col. 9, lines 47-66; col. 14, line 51 through col. 15, line 23; see also Figures 11-14, 19-25 → i.e. names, goals (priorities), addresses, phone numbers, directions, schedule adjustment, etc.).

### **Claims 5, 16**

Levinson discloses a schedule managing *apparatus and method*, wherein in the case where the inputted new schedule and the existing schedule are the *term type schedules* (i.e. floating tasks) and terms of both of said schedules *overlap*, the new schedule is assembled *as it is without adjusting both of said schedules* (cols. 17-19 → when floating tasks overlap, their original start times and stop times are left as is; the order of the tasks within the start and stop times might be adjusted if there exists a priority weight difference between tasks).

### **Claims 6, 17**

Levinson discloses a schedule managing *apparatus and method*, wherein in the case where the inputted new schedule and the existing schedule are the *period type schedules* (i.e. fixed tasks) and periods of both of said schedules *overlap*, the schedules is adjusted so as to leave the schedule of *high priority* (col. 10, lines 4-8, 34-37; cols. 17-19 → with fixed tasks, the task with higher priority preempts the fixed task with lower priority).

### **Claims 7, 18**

Levinson discloses a schedule managing *apparatus and method*, wherein in the case where *priority* of the inputted new schedule and that of the existing schedule are the *same*, the

schedule selected in accordance with a *preset condition is left* (col. 9, lines 2-7, 33-46; col. 13, lines 50-52 *et seq.* → system or planner can preset scheduling conditions).

### **Claims 8, 19**

Levinson discloses a schedule managing *apparatus and method*, wherein as a condition in the case where the priority is the same, a *user's selection, a selection of the existing schedule, or a selection of the new schedule is set* (col. 10, lines 2-4; col. 12, lines 4-6; col. 19, lines 24-31; see also Table 7 → schedule conflicts can be resolved based upon user's selection).

### **Claims 9, 20**

Levinson discloses a schedule managing *apparatus and method*, wherein in the case where one of the inputted new schedule and the existing schedule is a period type schedule and the other is the term type schedule, *if priority of the term type schedule is high, the schedules are adjusted so as to move the term type schedule to a period start position of the period type schedule* (col. 10, lines 4-8, 34-37; cols. 17-19 → the tasks with higher priority preempts or delays the tasks with lower priority).

### **Claims 10, 21**

Levinson discloses a schedule managing *apparatus and method*, wherein when the *priority of the term type schedule is low*, the schedules are adjusted so as to move the term type schedule to a period *end position* of the period type schedule (col. 9, lines 53-62; cols. 17-19 → low priority tasks are either delayed to the end of the schedule or cancelled altogether if no time remains in the schedule).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levinson, U.S. Patent No. 6,047,260, in view of Tracy Marks ("Marks"), Windows 95 ® Manual ([www.windweaver.com/w95man.htm](http://www.windweaver.com/w95man.htm)), last updated on May 18, 1997.

**Claims 11, 22**

Levinson discloses a schedule managing *apparatus and method* as explained with respect to claims 1, 2, 9, 12, 13, and 20 above, but does not specifically disclose storing the schedule deleted by the adjustment of said schedules and a position before the adjustment of the schedule moved due to the adjustment of the schedules, and when the existing schedule is deleted, referring to a stored history and performing a recovery of the schedule deleted due to the schedule adjustment or a return of the schedule to an initial position moved due to the schedule adjustment.

However, Marks discloses a Recycling Bin wherein when you choose to delete files Windows sends the files to a "recycling bin" rather than permanently deleting files so that you can later restore the files to their original locations for the purpose of avoiding accidental deletion of important files (see LESSON THREE: Managing files → A. Recycling Bin).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Levinson with the teachings of Marks to include a storage for deleted schedules that can later be recovered to its original position for the purpose of avoiding accidental deletion of important scheduled events.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5781731 A	USPAT	19980714	Koreeda, Hiroyuki et al.
US 5247438 A	USPAT	19930921	Subas, Sean S. et al.
US 5111391 A	USPAT	19920505	Fields, Randall K. et al.
US 20020194048	US-PGPUB	20021219	Levinson, Richard J.
US 5778346 A	USPAT	19980707	Frid-Nielsen, Martin et al.
US 5774867 A	USPAT	19980630	Fitzpatrick, Gregory P. et al.
US 5732399 A	USPAT	19980324	Katiyar, Dinesh H. et al.
US 5519606 A	USPAT	19960521	Frid-Nielsen, Martin et al.
US 6167379 A	USPAT	20001226	Dean, Matthew T. et al.
US 5899979 A	USPAT	19990504	Miller, David Robert et al.
US 6707471 B2	USPAT	20040316	Funaki, Isao

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776. The examiner can normally be reached on 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER